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**REMARKS**

Claims 1, 8, 14-35 and 60-68 were previously cancelled without prejudice. Claim 36 is amended. Claims 80-94 were previously added. Claims 2-7, 9-13, 36-59, 69-94 remain in the application for consideration. In view of the following remarks, Applicant respectfully requests reconsideration and allowance of the subject application.

**35 U.S.C. §§ 102 and 103 Rejections**

Claims 2, 5-7, 9-11, 36-40, 43, 46-48, 50-54, 59, 80, 81, 84-89 and 92-94 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,572,648 to Bibayan.

Claims 3, 4, 12, 13, 41, 42, 45, 49, 56, 57, 82, 83, 90 and 91 stand rejected under 35 U.S.C. § 103(a) as being obvious over Bibayan in view of U.S. Patent No. 5,742,504 to Meyer et al. (hereinafter "Meyer").

Claim 58 stands rejected under 35 U.S.C. § 103(a) as being obvious over Bibayan in view of U.S. Patent No. 5,602,996 to Powers III et al. (hereinafter "Powers").

Claims 69-79 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,611,840 to Baer et al. (hereinafter "Baer") in view of Meyer.

Claim 44 stands rejected under 35 U.S.C. § 103(a) as being obvious over Bibayan and Baer.

Claim 55 stand rejected under 35 U.S.C. § 103(a) as being obvious over Bibayan and U.S. Patent No. 5,436,637 to Gayraud et al. (hereinafter "Gayraud").

1 Before undertaking a discussion of the substance of the Office's rejections,  
2 the following discussion of Bibayan is provided to assist the Office in appreciating  
3 the patentable distinctions between Bibayan, the other references, and the claimed  
4 subject matter.

5

6 **The Bibayan Reference**

7 Bibayan is directed to systems and methods for changing a dynamic tool  
8 palette in accordance with a current context of an application that provides a static  
9 display of windowing functions and a dynamic display of windowing functions.  
10 See, e.g. Abstract.

11 The operation of Bibayan's system and method is set out in more detail in  
12 column 4, starting at line 45. Specifically, Bibayan instructs that a dynamic tool  
13 palette display 22 (see Fig. 4) is a separate display that can alter its size, shape,  
14 and contents in accordance with the context of a currently operating applet. To  
15 provide an example, Bibayan describes a situation in which a *user selects* a folder  
16 icon 23 and responsively, a new folder window is called to the foreground (see  
17 Fig. 6a) and its context is registered. A dynamic tool palette applet 24 displays the  
18 applicable tools for that container. See, column 4, lines 45-55.

19 Bibayan further instructs, starting in column 4 at line 55 that in operation,  
20 upon selecting a folder applet, the applet for that function is downloaded from a  
21 file server and stored in RAM. After the folder applet is downloaded, its context  
22 which includes a program handle and database ID number is registered with a  
23 context manager applet 21 (Fig. 6). Bibayan further instructs that in accordance  
24 with the stored context, dynamic tool palette 24 examines the registered context

1 and determines whether to modify its tool display. If required, the tool display is  
2 modified.

3 Thus, it appears that Bibayan's system and method change the content of its  
4 dynamic tool palette display 22 responsive to user selections of menu items that  
5 are displayed for the user. Such is readily apparent when the discussion appearing  
6 in column 5, lines 5-56 is considered.

7 **Claims Rejected over Bibayan under §§ 102 and 103**

8 **Claim 6** recites a method of exposing commands in a software application  
9 program comprising:

10

11     • determining a user's context within an application program by  
12       ascertaining a position of a user's cursor *within a document*  
13       provided by the application program; and  
14     • automatically displaying at least one command on a display for the  
15       user based on the user's context.

16     In making out the rejection of this claim, the Office argues that Bibayan  
17     anticipates the subject matter of this claim. *Applicant maintains that Bibayan*  
18     *does not disclose or suggest the subject matter of this claim.* Specifically, the  
19     Office argues that Bibayan discloses determining the user's context by  
20     ascertaining the position of the user's cursor *within a document* provided by the  
21     application, citing to column 4, lines 40-44 in support therefor. *This is simply not*  
22     *the case.*

23     Applicant respectfully disagrees and traverses the Office's rejection.  
24     Specifically, Bibayan discloses that the user's context is determined by  
25     ascertaining which *icon* a user clicks on. (See, e.g. column 4, lines 45-55 where

1 the "user selects folder icon 23..." to provide a context that is used to drive the  
2 display in the dynamic tool palette). The icon that the user clicks on in Bibayan  
3 cannot be considered a "*document*" as that term is utilized in Applicant's  
4 Specification. Rather, the icon is more appropriately considered as a menu item.

5 As an example of subject matter that is embodies the spirit of this claim, the  
6 Office is referred to the Specification starting on page 12, line 24 through page 14,  
7 line 13, the entirety of which was reproduced in the previous response.

8 Interestingly, in this excerpt from the Specification, the described  
9 shortcomings of past systems (i.e. having to hunt through an unfamiliar menu  
10 structure; presenting top level commands even when not needed by a user; and  
11 having to know the names of the specific functionalities in order to find the tools)  
12 appear to be very characteristic of Bibayan's system, and not characteristic of the  
13 presently claimed subject matter. *Applicant very respectfully but strongly*  
14 *disagrees that Bibayan discloses or suggests "determining a user's context*  
15 *within an application program by ascertaining a position of a user's cursor*  
16 *within a document provided by the application program.* As the Office  
17 apparently disagrees, Applicant respectfully invites the Office to point to the  
18 specific portion of Bibayan where this is the case. The portion of Bibayan cited to  
19 by the Office discloses no such thing.

20 Accordingly, because Bibayan neither discloses nor suggests the subject  
21 matter of this claim, this claim is allowable.

22 **Claims 2-5, 7 and 9-11** depend from claim 6 and are allowable as  
23 depending from an allowable base claim. These claims are also allowable for their  
24 own recited features which, in combination with those recited in claim 6, are  
25 neither disclosed nor suggested in the references of record, either singly or in

1 combination with one another. In addition, given the allowability of claim 6, the  
2 rejection of claims 3 and 4 over the combination with Meyer is not seen to add  
3 anything of significance.

4 **Claim 12** recites one or more computer-readable media having computer-  
5 readable instructions thereon which, when executed by a computer, cause the  
6 computer to [added language appears in bold italics]:

- 7 • determine a user's context within an application program;
- 8 • automatically display, *independent of the user selecting any*  
*displayed menu item*, at least one command on a display for the user  
9 based on the user's context, said at least one command being  
10 displayed in a modeless fashion in which the user can continue to  
work within a document provided by the application program while  
11 said at least one command is displayed; and
- 12 • automatically remove said at least one command from the user's  
display responsive to a change in the user's context.

13  
14 In making out the rejection of this claim, the Office argues that the  
15 combination of Bibayan and Meyer disclose the subject matter of this claim.  
16 Specifically, the Office argues that Bibayan discloses automatically displaying at  
17 least one command independent of the user selecting any displayed menu item,  
18 citing to column 4, lines 45-65 for support. Applicant respectfully disagrees and  
19 traverses the Office's rejection.

20 The excerpt cited by the Office is reproduced in its entirety below:

21  
22 Dynamic tool palette display 22, on the other hand, is a separate  
23 display which resides to the right of the static tool display 20. In addition,  
24 dynamic tool palette display 22 alters its size, shape, and contents in  
accordance with the context of the currently operating applet. For example,  
*in the case the user selects folder icon 23*, a new folder window is called to  
the foreground and its context is registered. Dynamic tool palette applet 24

1 displays the applicable tools for that container. Preferably, the tools in the  
2 dynamic tool palette are always active and the operator can select any one  
3 of them to initiate the corresponding functions.  
4

5 In operation, upon selecting the folder applet, the applet for that  
6 function is downloaded from a file server and stored in a random access  
7 memory (RAM) from where it can be executed. After the folder applet is  
8 downloaded from the file server, its context which includes a program  
9 handle and database identification number is registered with a context  
10 manager applet 21. In the present invention, context manager 21 resides as  
11 part of the static tool palette display applet 20. However, context manager  
12 21 may also be a separate applet which operates throughout the present  
13 program.  
14

15 The process described by this excerpt is initiated by, and thus dependent  
16 upon the user selecting folder icon 23 (see Fig. 4). As clarification, consider that  
17 Bibayan instructs that “[i]n a windowing environment, each applet, whether it be a  
18 contains or an editor, is represented in a display such as an icon display as a “tool”  
19 to perform a given function.” See, column 1, lines 50-53. Further, Bibayan  
20 instructs that “[e]ach applet, once selected, operates to open a window which is  
21 brought to the foreground of the display.” See, column 1, lines 55-56. Thus what  
22 Bibayan refers to in the excerpt cited by the Office is the situation where a user  
23 selects the folder icon to initiate the process described in the excerpt reproduced  
24 above.  
25

26 Further, it is instructive to consider what is meant by the term “menu item”  
27 in the claim and to compare this with the above excerpt in view of Bibayan’s Fig.  
28 4. Specifically, the Specification instructs, starting on page 2, line 24, as follows:  
29

30 Consider, for example, Fig. 1 which shows an exemplary user  
31 display 10 that includes a tool bar 12 that includes a menu structure 14 and  
32 a collection of commands 16.  
33

Reference to Applicant's Fig. 1 indicates that tool bar 12 includes a menu structure 14 having individual entries such as "File", "Edit", "View" and the like. In addition, tool bar 12 includes a collection of commands some of which appear in iconic form and which constitute iconic representations of the individual entries of the menu structure. Hence, the elements appearing in tool bar 12 are menu items that are selectable by the user.

Consider now Bibayan's Fig. 4 and the related text appearing in column 4 starting at around line 21. Specifically, Bibayan describes a static tool display 20 and a dynamic tool palette display 22. Each of these displays is a tool bar and comprises a user-selectable menu item. In fact, Bibayan refers to each of these displays as a "tool" display. As noted above, the process described in the excerpt cited to by the Office is dependent upon the user selecting an icon (i.e. "in the case the user selects folder icon 23"). Hence, Bibayan does not, as the Office contends, disclose or suggest automatically displaying a command independent of a user selecting any displayed menu item. In point of fact, Bibayan teaches directly away therefrom. Accordingly, the Office has not established a *prima facie* case of obviousness and this claim is allowable.

**Claim 13** depends from claim 12 and is allowable as depending from an allowable base claim. This claim is also allowable for its own recited features which, in combination with those recited in claim 12, are neither disclosed nor suggested in the references of record, either singly or in combination with one another.

**Claim 36** has been amended and recites a method of exposing commands in a software application program comprising [added language appears in bold italics]:

- determining a user's context within an application program by evaluating at least portions of one or more expressions, each expression being associated with a context block and defining a condition that describes one or more aspects of a user's interaction with the application program; and
- automatically displaying, *independent of a user selecting any displayed menu item*, at least one context block on a display for the user based on the user's context, individual context blocks containing multiple commands that are possible selections for a user based upon their context.

Bibayan does not disclose or suggest displaying a context block *independent of a user selecting any displayed menu item*. Rather Bibayan teaches directly away from any such subject matter. The Office appears to argue, in its “Response to Arguments” section, that Bibayan does disclose displaying a command independent of a user selecting any displayed menu item. Applicant disagrees. The processing described in Bibayan appears to always be set in motion responsive to a user selecting a *menu item*. If the Office disagrees, then Applicant respectfully invites the Office to point to a specific portion of Bibayan where a context block or command is displayed independent of a user selecting any displayed menu item. Applicant has reviewed Bibayan in its entirety and can find no such disclosure. Accordingly, for at least this reason, this claim is allowable.

**Claims 37-45** depend from claim 36 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 36, are neither disclosed nor suggested in the references of record, either singly or in combination with one another. In addition, given the allowability of claim 36, the rejections of claims

1 41-42 and 45 over the combination with Meyer; and of claim 44 over the  
 2 combination with Baer is not seen to add anything of significance.

3 **Claim 46** recites a method of exposing commands in a software application  
 4 program comprising:

- 5     • determining a user's context within an application program *without*  
      *requiring the user to make a menu selection*;
- 6     • based on the user's context, displaying commands that are associated  
      with the context and which can assist the user in accomplishing a  
      task; and
- 7     • while the commands are being displayed, enabling the user to select  
      and apply various commands multiple times.

8  
 9  
 10   In making out the rejection of this claim, the Office argues that its subject  
 11 matter is anticipated by Bibayan, citing to column 4, lines 45-65 for support.  
 12 Specifically, the Office argues that the display is dependent on the context of the  
 13 applet and not on the user selecting any displayed menu item. *This is simply not*  
 14 *the case and constitutes a misinterpretation of the reference.*

15   Bibayan instructs that once a *user selects* the folder icon, a new folder  
 16 window is called to the foreground and its context is registered. See, e.g. column  
 17 4, lines 49-50. Bibayan embellishes upon this example in column 4, starting at  
 18 line 56. Specifically, Bibayan instructs that “upon [the user] selecting the folder  
 19 applet” the applet for that function is downloaded from a file server. Bibayan next  
 20 instructs that the context of the applet is registered with a context manager 21.  
 21 Bibayan now instructs that dynamic tool palette applet 24 examines the registered  
 22 context and based thereon, determines whether to modify its tool display. See, e.g.  
 23 column 4, line 66-67 through column 5, line 5. The applet for the user-selected  
 24 function would not have been downloaded from the file server and the subsequent  
 25 function would not have been downloaded from the file server and the subsequent

1 processing would not have taken place *but for the user's selection of the folder*  
2 *icon or applet*. Hence, this claim is not anticipated by Bibayan and, in point of  
3 fact, Bibayan teaches directly away from the subject matter of this claim.  
4 Accordingly, for at least this reason, this claim is allowable.

5 **Claims 47-59** depend from claim 46 and are allowable as depending from  
6 an allowable base claim. These claims are also allowable for their own recited  
7 features which, in combination with those recited in claim 46, are neither disclosed  
8 nor suggested in the references of record, either singly or in combination with one  
9 another. In addition, given the allowability of claim 46, the rejections of claims  
10 49, 56 and 57 over the combination with Meyer; of claim 55 over the combination  
11 with Gayraud; and of claim 58 over the combination with Powers is not seen to  
12 add anything of significance.

13

14 **Claims Rejected over the Combination of Baer and Meyer**

15 **Claim 69** recites a computing system comprising:

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- a single application program configured to provide:
- a single navigable window;
- multiple different functionalities to which the single navigable window can be navigated by a user; and
- at least one context-sensitive command area that is associated with the single navigable window, the single application program being configured to automatically change command sets that are presented to the user within the command area as the user navigates to different functionalities, *at least some commands of the command sets being displayable independent of the user selecting any displayed menu item.*

1 In making out the rejection of this claim, the Office argues that Baer  
2 discloses the subject matter of this claim, except for a context-sensitive command  
3 area or a single application program configured to automatically change command  
4 sets that are presented to the user, or that commands are displayed independent of  
5 the user selecting a displayed menu item. The Office then relies on Meyer and  
6 argues that it supplies the missing elements. Based on these two references, the  
7 Office argues that the subject matter of this claim would be obvious.

8 Applicant disagrees with the Office's characterization of the references and  
9 application of the references to the subject matter of this claim. Specifically with  
10 respect to the recited feature that at least some of the commands of the command  
11 sets are displayable independent of the user selecting any displayed menu item, the  
12 Office cites to Meyer's column 21, lines 65 through column 22, line 11. All that  
13 this section of Meyer states is that "[c]ustom buttons may be volatile, i.e.  
14 appearing only in a specific context...." This excerpt does not disclose, suggest or  
15 in any way imply that such display is *independent of the user selecting any*  
16 *displayed menu item*. Accordingly, the Office has failed to establish a *prima facie*  
17 case of obviousness and this claim is allowable.

18 Claims 70-73 depend from claim 69 and are allowable as depending from  
19 an allowable base claim. These claims are also allowable for their own recited  
20 features which, in combination with those recited in claim 69, are neither disclosed  
21 nor suggested in the references of record, either singly or in combination with one  
22 another.

23 Claim 74 recites a computing system comprising:

24

- 25 • a single application program configured to:

- 1     ○ display a single navigable window for a user to use in  
2         navigating between multiple different functionalities that can  
3         be provided by the single application program;
- 4     ○ provide at least one context-sensitive command area that is  
5         associated with the single navigable window, the single  
6         application program automatically changing command sets  
7         that are presented to the user within the command area as the  
8         user navigates to different functionalities, *at least some  
9             commands of the command sets being displayable  
10             independent of the user selecting any displayed menu item*;  
11         and
- 12     ○ incorporate different functionalities in an extensible manner  
13         so that the user can use the single navigable window to  
14         navigate to the different incorporated functionalities.

10             In making out the rejection of this claim, the Office argues that its subject  
11         matter is obvious in view of Baer and Meyer. Applicant respectfully disagrees.  
12         As noted above, Meyer does not disclose commands that are displayable  
13         independent of the user selecting any displayed menu item. Accordingly, the  
14         Office has not established a *prima facie* case of obviousness and this claim is  
15         allowable.

16             Claims 75-77 depend from claim 74 and are allowable as depending from  
17         an allowable base claim. These claims are also allowable for their own recited  
18         features which, in combination with those recited in claim 74, are neither disclosed  
19         nor suggested in the references of record, either singly or in combination with one  
20         another.

21             Claim 78 recites a computing method comprising:

- 22         ● displaying a user interface that comprises a single navigable window  
23         that can be navigated between multiple different functionalities that  
24         are provided by a single application program;
- 25         ● receiving user input that indicates selection of a particular  
           functionality;

- 1     • responsive to receiving said user input, navigating the single  
2       navigable window to the particular selected functionality and  
3       displaying in said window indicia of said functionality that can  
4       enable a user to accomplish a task associated with the particular  
5       selected functionality;
- 6     • determining a user's context within the selected functionality; and
- 7     • automatically displaying at least one command for the user based on  
8       the user's context *independent of the user selecting any displayed*  
9       *menu item.*

10              In making out the rejection of this claim, the Office argues that its subject  
11       matter is obvious in view of Baer and Meyer. Applicant respectfully disagrees.  
12       As noted above, Meyer does not disclose commands that are displayable  
13       independent of the user selecting any displayed menu item. Accordingly, the  
14       Office has not established a *prima facie* case of obviousness and this claim is  
15       allowable.

16              **Claim 79** depends from claim 78 and is allowable as depending from an  
17       allowable base claim. This claim is also allowable for its own recited features  
18       which, in combination with those recited in claim 78, are neither disclosed nor  
19       suggested in the references of record, either singly or in combination with one  
20       another.

21              **Claim 80** recites a method of exposing commands in a software application  
22       program comprising:

- 23     • determining a user's context within an application program *by*  
24       *ascertaining a user's selection within a document* provided by the  
25       application program; and
- 26     • automatically displaying at least one command on a display for the  
27       user based on the user's context.

1 In making out the rejection of this claim, the Office argues that Bibayan  
 2 anticipates the subject matter of this claim. *Applicant maintains that Bibayan*  
 3 *does not disclose or suggest the subject matter of this claim.* Specifically, the  
 4 Office argues that Bibayan discloses determining the user's context by  
 5 ascertaining the position of the user's cursor *within a document* provided by the  
 6 application, citing to column 4, lines 40-44 in support therefor. *This is simply not*  
 7 *the case.*

8 Applicant respectfully disagrees and traverses the Office's rejection.  
 9 Specifically, Bibayan discloses that the user's context is determined by  
 10 ascertaining which *icon* a user clicks on. (See, e.g. column 4, lines 45-55 where  
 11 the "user selects folder icon 23..." to provide a context that is used to drive the  
 12 display in the dynamic tool palette). The icon that the user clicks on in Bibayan  
 13 cannot be considered a "*document*" as that term is utilized in Applicant's  
 14 Specification. Rather, the icon is more appropriately considered as a menu item.

15 As an example of subject matter that embodies the spirit of this claim, the  
 16 Office is referred to the Specification starting on page 12, line 24 through page 14,  
 17 line 13, the entirety of which was reproduced in the previous response.

18 Interestingly, in this excerpt from the Specification, the described  
 19 shortcomings of past systems (i.e. having to hunt through an unfamiliar menu  
 20 structure; presenting top level commands even when not needed by a user; and  
 21 having to know the names of the specific functionalities in order to find the tools)  
 22 appear to be very characteristic of Bibayan's system, and not characteristic of the  
 23 presently claimed subject matter. *Applicant very respectfully but strongly*  
 24 *disagrees that Bibayan discloses or suggests "determining a user's context*  
 25 *within an application program by ascertaining a position of a user's cursor*

1        within a document provided by the application program. As the Office  
2        apparently disagrees, Applicant respectfully invites the Office to point to the  
3        specific portion of Bibayan where this is the case. The portion of Bibayan cited to  
4        by the Office discloses no such thing.

5           Accordingly, because Bibayan neither discloses nor suggests the subject  
6        matter of this claim, this claim is allowable.

7           **Claims 81-87** depend from claim 80 and are allowable as depending from  
8        an allowable base claim. These claims are also allowable for their own recited  
9        features which, in combination with those recited in claim 80, are neither disclosed  
10      nor suggested in the references of record, either singly or in combination with one  
11      another. Given the allowability of claim 80, the Office's rejection of claims 82, 83  
12      over the combination with Meyer is not seen to add anything of significance.

13           **Claim 88** recites a method of exposing commands in a software application  
14      program comprising:

15           • determining a user's context within an application program; and  
16           • automatically displaying at least one command on a display for the  
17        user based on the user's context, *independent of a user selecting  
any displayed menu item.*

19           In making out the rejection of this claim, the Office argues that Bibayan  
20      anticipates the claim's subject matter and in so doing, uses language that does not  
21      appear in the claim. Applicant believes this to be an oversight. Nonetheless,  
22      Applicant maintains, for reasons stated above, that Bibayan neither discloses nor  
23      suggests automatically displaying at least one command on a display for the user

1 based on the user's context, *independent of a user selecting any displayed menu*  
2 *item.* Accordingly, this claim is allowable.

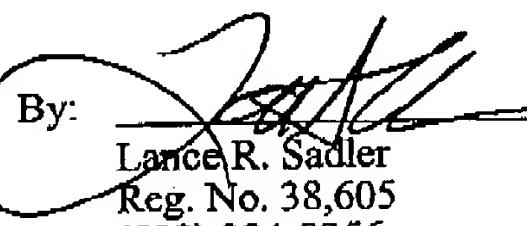
3 Claims 89-94 depend from claim 88 and are allowable as depending from  
4 an allowable base claim. These claims are also allowable for their own recited  
5 features which, in combination with those recited in claim 88, are neither disclosed  
6 nor suggested in the references of record, either singly or in combination with one  
7 another. In addition, given the allowability of claim 88, the Office's rejection of  
8 claims 90 and 91 over the combination with Meyer is not seen to add anything of  
9 significance.

10 **Conclusion**

11 Applicant respectfully submits that all of the claims are in condition for  
12 allowance and Applicant respectfully requests a Notice of Allowability be issued  
13 forthwith. If the next anticipated action is to be anything other than issuance of a  
14 Notice of Allowability, Applicant respectfully requests a telephone call for the  
15 purpose of scheduling an interview.

16  
17  
18 Respectfully Submitted,

19  
20 Dated: 7/23/04

21 By:   
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